

REMARKS

Claims 1-20 are pending in the present application.

[A] Restriction Requirement

The Examiner has imposed a Restriction Requirement under 35 USC 121 and has required an election as between:

Group I, claims 1-16, drawn to a method of fabricating a nickel silicide layer; and

Group II, claims 17-20, drawn to a semiconductor structure.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-16.

According to MPEP §803, if the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. As evidence of the undue burden, the Examiner has listed that class 438/subclass 197 is to be searched for Group I and class 257/subclass 288 is to be searched for Group II. In view of: i) the likelihood that a significant portion of the patents belonging in class 438, subclass 197 would also be classified in class 257/subclass 288; and ii) the fact that the computer searching software used by the Examiner enables the Examiner to combine the search for patents in multiple subclasses without having to view duplicates, the search of the extra subclass(es) would not amount to an undue burden on the Examiner to consider all of claims 1-20. Furthermore, it is noted that the semiconductor structure of claim 17 is required to be made according to the method of claim 1. This will allow the Examiner to focus the search of the product claim 17, since all structural characteristics arising from the process steps of claim 1 would be inherent in the structure of claim 17.

Based on the foregoing, Applicants respectfully request that the Examiner rejoins Group II with Group I.

[B] Election of Species

The Examiner has indicated that in the event Group I (method claims 1-16) is elected in response to the Restriction Requirement (see Section [A] above), Applicants are further required to make an Election of Species as between

Species I: a method comprising depositing a layer of at least 3-component metal alloy (claims 1-11);

Species II: a method comprising depositing a layer of $\text{Ni}_{1-x-y}\text{Ti}_x\text{Pt}_y$ (claims 12-16).

Applicants elect Species I, regarding a method comprising depositing a layer of at least 3-component metal alloy (claims 1-11).

Applicants respectfully remind the Examiner that should the Examiner not find prior art, which renders the elected species unpatentable, the Examiner is required to expand the search to include a reasonable number of additional species. (See MPEP 809.02). Applicants respectfully submit that the scope of claim 1 includes a reasonable number of additional species for searching/examination purposes.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Registration No 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By  #43575
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